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The boundary line between the two republics as finally fixed by the arbitrator shall be deemed the true line and his determination of the same shall be final, conclusive and without appeal.

Thereupon a commission of delimitation shall be constituted in the same manner as provided in Article II with respect to the commission of survey, and shall immediately thereafter proceed to mark and delimitate the boundary line, permanently, in accordance with such decision of the arbitrator. Such commission of delimitation shall act under the direction of the arbitrator, who shall settle and determine any dispute as to the same.

ARTICLE VIII.

The present convention shall be submitted for the approval of the respective congresses of the Republics of Costa Rica and Panama, and ratifications shall be exchanged in the City of Washington, as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington the 17th day of March, A. D. one thousand nine hundred and ten.

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| (Signed) | LUIS ANDERSON. |
| (Signed) | BELISARIO PORRAS. |

THE CONGO AGREEMENT BETWEEN FRANCE AND GERMANY.

November 4, 1911.

The Government of the French Republic and the Government of His Majesty, the Emperor of Germany, in order to continue and complete the convention of November 4, 1911, relative to Morocco, and in consequence of the rights of protection recognized to France over the Shereefian Empire, have agreed to proceed to an exchange of territory in their possessions of equatorial Africa and have resolved to conclude a convention to this effect.

Accordingly M. Jules Cambon, Ambassador Extraordinary of the French Republic to His Majesty, the Emperor of Germany, and M. de Kiderlen, Secretary of State for Foreign Affairs of the German Empire, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1.

France cedes to Germany the territories whose boundaries are determined as follows: The boundary will start on the Atlantic coast from a point to be determined on the eastern shore of the Bay of Monda, near the mouth of the river Massolié; deflecting toward the northeast, the boundary will run toward the southeast angle of Spanish Guinea. It will cut the river Ivondo at its confluence with the river Djoua (which will remain French), and from this point it will bear towards the east, to end at the confluence of the N'Goko and the Sanga to the north of Ouesso; the boundary will then start from the river Sanga at a point situated to the south of the center of Ouesso (which remains French), at a distance of six kilometers at least and twelve kilometers at the most from this locality, according to the geographic position of the places. It will deflect toward the southwest to rejoin the valley of the Kandeko as far as its confluence with the river Bokiba. It will descend the latter river and the river Likouala as far as the right bank of the Congo river. It will follow the Congo river as far as the mouth of the Sanga in such manner as to occupy along the bank of the Congo an extent of from six to twelve kilometers, which extent will be determined according to the geographic conditions. It will ascend the course of the Sanga as far as the river Likouala-aux-Herbes, which it will then follow as far as Botungo. It will continue then northward in nearly a straight line as far as Bera-N'Goko. It will then be deflected in the direction of the confluence of the rivers Bodingué and Lobaye and follow the downward course of the river Lobaye as far as the river Ubangui to the north of Mongoumba. On the right bank of the Ubangui and according to the geographical situation of the places, the German territory will be determined in such manner as to extend over an area of six kilometers at the least and of twelve kilometers at the most; the boundary will then bear obliquely towards the northwest in such manner as to reach the river Pama at a point to be determined to the west of its confluence with the river Mbi; it will then follow the valley of the Pama and later rejoin the east branch of the Logone near the point where this river meets the eighth parallel at the promontory of Goré. It will then follow the course of the Logone towards the north as far as its confluence with the river Shari.

ARTICLE 2.

Germany cedes to France all the territories situated to the north of the present boundary of the French possessions within the territories of the Chad, and situated between the Shari on the east and the Logone on the west.

ARTICLE 3.

Within six months after the exchange of the ratifications of the present convention, a technical commission, the members of which will be appointed in equal number by the French and German Governments, will define the boundary line in accordance with the general directions contained in Articles 1 and 2.

After eighteen months from the signing of the report of the work of the technical commission, the delimitation of the boundaries in accordance with the said report will be carried out by mutual agreement and as rapidly as possible, as well as the determination and the delimitation of the territories leased to the French Government, as is stipulated in the hereinafter following Article 8.

ARTICLE 4.

The technical commission and the agents charged with the delimitation referred to in the preceding article shall take into account in mutual agreement the configuration of the territory and the local conditions, such, for instance, as the facility for policing the frontier, or the racial identity of the population. They shall, as far as possible, make the boundary line follow the natural limits indicated by the river courses, and in case the boundary should run contrary to the direction of the rivers, it will follow the water-shed.

The reports of the technical commission and those of the agents appointed to delimit the boundary will not be definitive until ratified by the two governments.

ARTICLE 5.

The present exchanges of territory are made subject to the circumstances by which these territories are affected at the moment the present agreement is concluded, that is to say, subject to the condition that the two governments will respect the public and private concessions which may have been granted by either of them. The two governments will deliver to each other the text of the acts by which these concessions have been granted.

The German Government is substituted for the French Government in all the benefits, rights, and obligations resulting from the acts referred to above with respect to companies holding concessions, which will come under the sovereignty, authority, and jurisdiction of the German Government. A special convention will regulate the application of the above provisions.

The same rule will hold for France in regard to concessions which may be located in the territories which will come under its sovereignty, its authority, and its jurisdiction.

ARTICLE 6.

The German Government shall place no obstacle to the exploitation, to the maintenance, and to the repairs of the French telegraph lines at present running along the Ubangui, which shall remain French, where they cross German territory. The German authorities may transmit their communications by this line under conditions which will be fixed later.

ARTICLE 7.

If the French Government desires to continue across German territory a railroad between Gabon and Central-Congo and between this latter colony and Ubangui-Shari, the German Government shall place no obstacle in the way. The surveys as well as the works shall be carried on in accordance with arrangements which will be made at the proper time between the two governments, the German Government reserving the right to decide whether it desires to take part in the carrying out of these works in its territories.

If the German Government desires to continue upon French territory a railroad built in Kamerun, the French Government shall place no obstacle in the way. The surveys, as well as the works, shall be carried on in accordance with arrangements which will be made at the proper time between the two governments, the French Government reserving the right to decide whether it wishes to take part in the carrying out of these works in its territory.

ARTICLE 8.

The Imperial Government shall lease to the French Government, under conditions to be determined by a special act, lands bordering upon the Bénoué, the Mayo-Kébi, and beyond in the direction of the Logone, which lands shall be selected in view of the establishment of posts for

provisions and storehouses, intended to constitute a chain of relay posts.

Each of these tracts, the length of which along the river at high water shall be at most 500 metres, shall have an area which shall not exceed fifty hectares. The location of these tracts shall be determined in accordance with the local conditions.

If, in the future, the French Government should desire to establish between the Bénoué and the Logone, above or below Mayo-Kébi, a highway or a railroad, the Imperial Government shall not interfere. The French Government and the German Government shall come to an agreement as to the conditions under which this work might be carried out.

ARTICLE 9.

France and Germany, desiring to strengthen their good relations in their possessions in Central Africa, agree not to construct any fortified place along the river courses, which shall be open to both countries for purposes of navigation. This stipulation shall not apply to forts whose sole object is to protect the posts against the attacks of the natives.

ARTICLE 10.

The French and German Governments will come to an agreement regarding the works to be carried out with the object of facilitating the traffic of boats and small craft over the water courses, the navigation of which will be common to the two governments.

ARTICLE 11.

In case the navigation of the Congo or of the Ubangui should be closed, the right of passage shall be assured to France and to Germany over the territories belonging to the other nation at points where these territories touch those rivers.

ARTICLE 12.

The Governments of France and Germany renew the declarations contained in the Act of Berlin of February 26, 1885, which assure commercial freedom and liberty of navigation on the Congo and the tributaries of that river, as well as on those of the Niger. Therefore, German goods passing across French territory situated west of the Ubangui, and French goods passing across the territories ceded to Germany or following the routes indicated in Article 8 will be exempt from all duties.

An agreement to be entered into between the two governments shall determine the conditions of this passage and the points of entry.

ARTICLE 13.

The German Government shall place no obstacle to the passage of French troops, of their arms or baggage, or of their provisions through the Congo, Ubangui, Bénoué, Mayo-Kébi, as well as over the railroad which might be built later in the north of Kamerun.

The French Government shall place no obstacle to the passage of German troops, of their arms or baggage, or of their provisions through Congo, Ubangui, Bénoué, Mayo-Kébi, as well as over the railroad which may be constructed later from the seacoast to Brazzaville. In either case, the troops, if composed wholly of natives, shall always be accompanied by an European officer, and the government across whose territory the troops pass shall take all the necessary measures to avoid any obstacle being placed to their passage, and shall, at need, delegate an agent to accompany them. The local authorities will regulate the conditions under which the passage of troops shall be effected.

ARTICLE 14.

Equality of treatment in the transport of persons or of goods shall be accorded to the citizens of both nations over the railways of Congo and Kamerun respectively.

ARTICLE 15.

The French Government and the German Government, beginning with the day of the reciprocal cession of the territories made to Germany by France and to France by Germany, shall cease to exercise any kind of protection or authority over the natives of the territories ceded by them respectively.

ARTICLE 16.

In case the territorial statute fixing the conventional basin of the Congo, as defined by the Act of Berlin of February 26, 1885, should happen to be modified by either of the contracting parties, they shall deliberate together concerning it and they shall also confer with the other signatory Powers of the said Act of Berlin in regard thereto.

ARTICLE 17.

The present convention shall be ratified and the ratifications exchanged at Paris as soon as possible.

Done in duplicate at Berlin, November 4, 1911.

Signed: KIDERLEN.

Signed: JULES CAMBON.